

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re

Dana Corporation, *et al.*,

Appellee.

<b>USDS SDNY</b>
<b>DOCUMENT</b>
<b>ELECTRONICALLY FILED</b>
<b>DOC #:</b> _____
<b>DATE FILED: FEB 22 2008</b>

Case Nos. 1:08-CV-01037 (PAC)  
1:08-CV-01038 (PAC)

**ORDER CONSOLIDATING APPEALS**

**WHEREAS**, on March 3, 2006 (the “Petition Date”), the Appellee filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of New York, Case No. 06-10354 (BRL); and

**WHEREAS**, on December 26, 2007, the United States Bankruptcy Court for the Southern District of New York entered the Order Confirming Third Amended Joint Plan of Reorganization of Debtors and Debtors In Possession (the “Order”) (Docket No. 7509); and

**WHEREAS**, on January 3, 2008, Appellant Ad Hoc Committee of Personal Injury Asbestos Claimants (the “Ad Hoc Committee”) filed a Notice of Appeal of the Order with the United States Bankruptcy Court for the Southern District of New York (Docket No. 7540), commencing appeal proceedings in the United States District Court for the Southern District of New York. On January 11, 2008, the Ad Hoc Committee filed a Statement of Issues on Appeal with the Bankruptcy Court (Docket No. 7604); and

**WHEREAS**, on January 4, 2008, Appellant Jose Angel Valdez (“Valdez” and, together with the Ad Hoc Committee, collectively, the “Appellants”) filed a Notice of Appeal of

the Order with the United States Bankruptcy Court for the Southern District of New York (Docket No. 7544), likewise commencing appeal proceedings in the United States District Court for the Southern District of New York. On January 14, 2008, Valdez filed his Statement of Issues on Appeal with the Bankruptcy Court (Docket No. 7622); and

**WHEREAS**, the Appellants in the above captioned bankruptcy appeals challenge the Order; and

**WHEREAS**, each of the above captioned appeals challenges the validity of the Bankruptcy Court's Order, such that there is a risk of inconsistent rulings absent consolidation; and

**WHEREAS**, the factual and legal record supporting the Order is identical as to all Appellants; the records on appeal submitted with respect to each of the above captioned appeals are substantially similar; and the issues presented in each appeal significantly overlap; and

**WHEREAS**, it appears that the interests of justice and efficiency will be best served by consolidating each of the above captioned appeals, in accordance with Fed. R. Civ. P. 42, Fed. R. Bankr. P. 7042, Fed. R. Bankr. P. 8011(b), and Southern District of New York Local Rule 15(a);

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the following bankruptcy appeals are consolidated for all purposes: In re Dana Corporation, et al., Case No. 1:08-CV-01037 (PAC) (S.D.N.Y.) (filed January 31, 2008) and In re Dana Corporation, et al., Case No. 1:08-CV-01038 (PAC) (S.D.N.Y.) (filed January 31, 2008). All pleadings in the consolidated case shall be captioned "In re Dana Corp., et al., No. 1:08-CV-1037 (PAC)," and

the Honorable Paul A. Crotty, United States District Judge in the Southern District of New York,  
shall hear and determine the consolidated appeal.

Dated: New York, New York  
February 21, 2008



---

Honorable Paul A. Crotty  
UNITED STATES DISTRICT JUDGE